

REMARKS

Claims 1, 2, 4-11, and 15-20 are pending with claims 1, 15, and 19 being independent. Claims 3 and 12-14 have been cancelled previously. As a preliminary matter, Applicants thank Examiner Harrell for the thoughtful courtesies and kind treatment afforded to Applicants' representative, Babak Akhlaghi, during the telephonic interview conducted on December 12, 2006. During the interview, the rejection of claim 1 as being anticipated by U.S. Patent Number 6,360,172 ("Burfeind") was discussed. Below, Applicants have attempted to incorporate the content of the interview in this response.

Specification objections

The title of the present application was objected to as not being descriptive. While Applicants disagree with this objection, Applicants have amended the title to advance prosecution of this application.

Claims rejection under 35 U.S.C. § 102

Claims 1, 2, 4-11, and 15-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Burfeind. Applicants respectfully request reconsideration and withdrawal of this rejection because Burfeind fails to describe or suggest "targeting rules designating at least a target geographic location and at least one of a target type of access device or a target type of software and applying the targeting rules to the context information to identify a subset of the one or more online users that are associated with the target geographic location and who employ at least one of the target type of access device or the target type of software," as recited in claim 1 and similarly recited in claims 15 and 19.

Rather, Burfeind describes a system in which a user is first identified, and then a device or software type associated with that user is determined. Specifically, Burfeind describes a system that gathers natural-phenomenological data and personal preferences of the subscriber. Col. 3, lines 1-8. The personal preferences of the subscriber include the subscriber's activities and the geographic locations of the activities, calendar information of the subscriber and modes of delivery. Col. 3 lines 4-8.

The system uses the personal preferences of the subscriber, such as the subscriber's activities, to generate natural-phenomenological data that is particularly useful to the subscriber. Col. 10, lines 13-19 and lines 44-53 (stating the system "generates for a subscriber who has indicated in his/her dynamic personal preferences that sailing is an activity of the subscriber...[a message indicating] the winds for sailing tomorrow will be 10-12 knots."). Once the system generates the personalized natural-phenomenological data, the system delivers the natural-phenomenological data to the output device identified by the subscriber in the personal preferences. *Id.* (stating the system routes the personalized natural-phenomenological information to the subscriber based on the subscriber's output device).

In the Final Office Action and during the interview, the Examiner asserted that, in Burfeind, the personal preferences of each subscriber stored in the personal preference database 426 of FIG. 4 comprises the targeting rules, and as such, the targeting rules include target geographic location of the user and a target type of access device or a target type of software modes of delivery. Final Office Action at page 3, lines 16-17. Even assuming, *arguendo*, that this assertion is correct, Burfeind still fails to describe or suggest applying the targeting rules to the context information *to identify a subset of one or more online users*, as recited in claim 1 and similarly recited in claims 15 and 19.

Instead, as clearly shown and described with respect to FIG. 4 of Burfeind, the Burfeind's system first identifies a user, accesses personal preferences for the identified user, and subsequently generates a message based on the personal preferences of the identified user. Only then will the system retrieve an identification of the output device of the subscriber from the personal preferences to route the message to that device. Col. 10, lines 12-19 and col. 10, line 44 to col. 11, line 22 (stating after the personalize message is generated "the multimedia device interface 480 retrieves the identification of the output device(s) 481 of the subscriber from the personal preferences database."). As such, the system in Burfeind does not use targeting rules designating a target type of access device or a target type of software *to identify* a subset of one or more online users and, instead, uses an identified subscriber to determine the access device to which the personalized message should be routed.

Accordingly, Burfeind fails to describe or suggest "targeting rules designating at least a target geographic location and at least one of a target type of access device or a target type of

software and applying the targeting rules to the context information to identify a subset of the one or more online users that are associated with the target geographic location and who employ at least one of the target type of access device or the target type of software," as recited in claim 1 and similarly recited in claims 15 and 19.

For at least these reasons, Applicants request reconsideration and withdrawal of the rejections of claims 1, 15, and 19, along with their dependent claims.

Conclusion

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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Respectfully submitted,

Date: _____

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